

Serial 155
Statute Law Revision Act 1999
Mr Burke

**A BILL
for
AN ACT**

to revise and correct the law of the Territory in minor respects



NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 1999

No. of 1999

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NORTHERN TERRITORY OF AUSTRALIA

No. of 1999

AN ACT

to revise and correct the law of the Territory in minor respects

[Assented to 1999]

[Second reading 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Statute Law Revision Act 1999*.

2. Commencement

Section 7(2) comes into operation on the date on which the assent of the Administrator to this Act is declared or the date on which the *Mining Amendment Act (No. 3) 1998* commences, whichever is the later.

3. Amendment of *Bail Act*

Section 40 of the *Bail Act* is amended by omitting from subsection (2) "Notwithstanding section 4(1) of the *Claims by and against the Government Act*, where" and substituting "If".

4. Amendment of Criminal Code

(1) Section 186A of the Criminal Code is amended—

(a) by omitting paragraph (a) of the definition of "authorised professional" and substituting the following:

- "(a) a person who is a registered nurse within the meaning of the *Nursing Act*"; and
- (b) by omitting "Nurses Board" from paragraph (b) of the definition of "authorised professional" and substituting "Nursing Board of the Northern Territory".

(2) Section 441 of the Criminal Code is amended by inserting after subsection (2) the following:

"(2A) A reference in subsection (2) to a member of the Police Force does not include a person who has not taken an oath or made an affirmation under section 26 of the *Police Administration Act*."

5. Amendment of *Juries Act*

(1) Section 29 of the *Juries Act* is amended by omitting all the words after "summons" and substituting "in a form approved by the Sheriff".

(2) Schedule 4 to the *Juries Act* is repealed.

6. Amendment of *Medical Act*

(1) Section 3 of the *Medical Act* is amended by omitting from the definition of "Chief Health Officer" in subsection (1) "*Public Health Act*" and substituting "*Public Health Act* and includes his or her nominee".

(2) Section 5 of the *Medical Act* is amended –

(a) by inserting in subsection (1)(a) "or his or her nominee" after "Chief Health Officer"; and

(b) by adding at the end the following:

"(3) A nominee of the Chief Health Officer is to be a person who is registered or entitled to be registered."

7. Amendment of *Mining Act*

(1) Section 110 of the *Mining Act* is amended by omitting from subsection (4) "A person on whom a notice is served under section 108(h) may," and substituting "A person referred to in section 108(h) or (ha) on whom a notice is served under subsection (1) may,".

(2) Section 163 of the *Mining Act* is amended –

(a) by omitting from subsection (1)(d) ", exploration retention licence"; and

- (b) by omitting from subsection (1)(g) "at the office of the Secretary" and substituting "with the Department".

8. Amendment of *Optometrists Act*

Section 6 of the *Optometrists Act* is amended –

- (a) by omitting from subsection (1) "Chief Health Officer" and substituting "Chairman";
- (b) by inserting in subsection (2) "or his or her nominee" after "Chief Health Officer"; and
- (c) by adding at the end the following:

"(7) A nominee of the Chief Health Officer is to be a person who is registered, or entitled to be registered, as a medical practitioner under the *Medical Act*".

9. Amendment of *Pharmacy Act*

(1) Section 7 of the *Pharmacy Act* is amended –

- (a) by omitting from subsection (1)(a) "Chief Health Officer" and substituting "Chairman";
- (b) by inserting in subsection (3) "or his or her nominee" after "Chief Health Officer"; and
- (c) by adding at the end the following:

"(7) A nominee of the Chief Health Officer is to be a person who is registered, or entitled to be registered, as a medical practitioner under the *Medical Act*".

(2) Section 16 of the *Pharmacy Act* is amended by omitting from subsection (2) "Consolidated Fund" and substituting "Public Account, within the meaning of the *Financial Management Act*, in accordance with that Act".

10. Amendment of *Poisons and Dangerous Drugs Act*

(1) Section 29 of the *Poisons and Dangerous Drugs Act* is amended by omitting subsection (4A) and substituting the following:

"(4A) A registered nurse within the meaning of the *Nursing Act* who is approved, or is a member of a class of registered nurses approved, by the Chief Health Officer by notice in the *Gazette* may possess and supply a Schedule 1, 2, 3, 4 or 8 substance –

- (a) in the course of his or her duties; and
 - (b) if the notice specifies or refers to a protocol for dealing with a substance specified in the notice – in accordance with the protocol."
- (2) Section 59 of the *Poisons and Dangerous Drugs Act* is amended –
- (a) by omitting from subsection (1)(a) "section 55" and substituting "section 53 or 55";
 - (b) by inserting in subsection (1)(b) "an authorisation granted under this Part or" before "a licence";
 - (c) by inserting in subsection (1)(d) "grant an authorisation or to" after "refuse to"; and
 - (d) by omitting from subsection (1)(e) "period," and substituting "period an authorisation or".
- (3) Section 86 of the *Poisons and Dangerous Drugs Act* is amended by omitting ", the Regulations or the *Containers for Hazardous Substances Act* shall" and substituting "or the Regulations must".

11. Amendment of *Radiographers Act*

Section 4 of the *Radiographers Act* is amended –

- (a) by inserting in subsection (2)(a) "or his or her nominee" after "Chief Health Officer"; and
- (b) by adding at the end the following:

"(4) A nominee of the Chief Health Officer is to be a person who is registered, or entitled to be registered, as a medical practitioner under the *Medical Act*."

12. Amendment of Traffic Regulations

(1) Regulation 58 of the Traffic Regulations is amended by inserting in subregulation (1) "(including a police station)" after "such other place".

(2) Regulation 58 of the Traffic Regulations may be repealed or further amended by a regulation made under the *Traffic Act* as if the amendment effected by subsection (1) had been made by a regulation under that Act.

13. Amendment of *Waste Management and Pollution Control Act*

Section 117 of the *Waste Management and Pollution Control Act* is amended by omitting from subsection (2)(k) "prescribe" and substituting "prescribe, other than in relation to an environmental offence within the meaning of the *Environmental Offences and Penalties Act*,".

14. Amendment of *Workman's Liens Regulations*

Form 1 in the Schedule to the *Workman's Liens Regulations* is amended by omitting from the Schedule of Notes all words in item 10 from and including "Persons who may witness" to and including "under the *Oaths Act* (N.T.)."

15. Revision of other Acts

The Acts specified in Schedule 1 are amended as set out in that Schedule.

16. Revision of other Regulations

(1) The Regulations specified in Schedule 2 are amended as set out in that Schedule.

(2) A regulation amended as set out in Schedule 2 may be amended or repealed by a regulation as if the amendment had been made by a regulation.

SCHEDULE 1

Section 15

AMENDMENTS OF ACTS

Provision	Amendment	
	omit	substitute
<i>Adult Guardianship Act</i>		
Section 31	"shall be payable from the Consolidated Fund, which is appropriated accordingly."	"are payable from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."

Co-operatives Act

Section 447(1)(a)	"Act; or"	"Act; and"
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Crown Proceedings Act

Section 11(5)	the whole subsection	"(5) A direction under this section is sufficient authority for payment from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
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Debits Tax Act

Section 19	"shall be paid from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly."	"is to be paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
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Director of Public Prosecutions Act

Section 4(7)	"shall be payable from the Consolidated Revenue Account, which is appropriated accordingly."	"is to be paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
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Essential Goods and Services Act

Section 17	"shall be paid out of the Consolidated Fund and, to the extent necessary, that amount is appropriated accordingly."	"is to be paid from the public moneys of the Territory and the Allocation for that purpose is established or
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		increased by the extent necessary."
<i>Evidence Act</i>		
Section 9C	"convict"	"find the person guilty"
<i>Fisheries Act</i>		
Section 47(5)	"shall be paid out of the Consolidated Fund without further appropriation than this subsection."	"is to be paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
Section 51(1)	"Accountable Officer's Account"	"Agency Operating Account within the meaning of the <i>Financial Management Act</i> "
Schedule 2		
clause 2(j)(iii)	the whole subparagraph	"(iii) the establishment by the Accountable Officer of a fund within the Agency Operating Account within the meaning of the <i>Financial Management Act</i> ;"
<i>Gaming Control Act</i>		
Sections 43(3)(c)(i) and (4)	"the Consolidated Fund"	"the Consolidated Revenue Account"
Section 80(3)(a)	"trust account established under section 50 and the other half to the Consolidated Fund"	"fund established under section 50 and the other half to the Consolidated Revenue Account"

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Section 80(3)(b) "trust account" "fund"

*Hospital Management
Boards Act*

Section 11 ", subject to sub-section
(2),"

*Human Tissue Transplant
Act*

Section 4(1)
definitions of "nurse" and "nursing aide" the whole definition

Section 16(2)(a)(iii) the whole subparagraph "(iii) to a nurse within
the meaning of the
Nursing Act
employed at that
hospital; or"

*Jabiru Town
Development Act*

Section 13(3) "*Financial
Administration and Audit
Act*" "*Financial Management
Act*"

Justices Act

Section 98(c) "Consolidated Fund" "Consolidated Revenue
Account"

Law Officers Act

Section 8(6) "subsection (5)" "subsection (4)"

Section 13(6) the whole subsection "(6) A pension or other
money payable by virtue
of subsection (5) is to be
payable from the public
moneys of the Territory
and the Allocation for that

		purpose is established or increased to the extent necessary."
<i>Liquor Act</i>		
Section 35(4C)	the whole subsection	
<i>Local Court Act</i>		
Section 22(11)(c)	the whole paragraph	"(c) from the public moneys of the Territory."
<i>Meat Industries Act</i>		
Section 58(2)(b)(i)	"general nurse"	"registered nurse"
<i>National Environment Protection Council (Northern Territory) Act</i>		
Section 58	"Financial Administration and Audit Act"	"Financial Management Act"
<i>Pay-roll Tax Act</i>		
Section 5(4)(aa)	"Financial Administration and Audit Act"	"Audit Act"
<i>Petroleum (Submerged Lands) Act</i>		
Section 129	"Commonwealth"	"Commonwealth, from the public moneys of the Territory,"
	"and the Consolidated Fund is hereby, to the necessary extent, appropriated accordingly."	"and the Allocation for that purpose is established or increased to the extent necessary."

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Police Administration Act

Section 84E (1), (2) and (3)	"Command Head"	"Commanding Officer"
Section 120(4)	" <i>Criminal Code Act</i> "	"Criminal Code"
Section 121(6)	"Service and Execution of Process Act 1901"	" <i>Service and Execution of Process Act 1992</i> "
Section 125(3)(c)	" <i>Service and Execution of Process Act 1901</i> "	" <i>Service and Execution of Process Act 1992</i> "

Racing and Betting Act

Section 61(1)(a)	the whole paragraph	"(a) moneys provided to the Fund in accordance with the <i>Financial Management Act</i> ;"
Section 64	the whole section	

Registration of Interests in Motor Vehicles and Other Goods Act

Section 15(2)	"shall be paid into the Consolidated Fund."	"are to be paid into the Public Account, within the meaning of the <i>Financial Management Act</i> , in accordance with the requirements of that Act."
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Summary Offences Act

Part VI	the whole Part	
Section 91AA	"43(2), 45B"	
	", 87, 89 or 91"	"or 89"

Supreme Court Act

Section 41(4)	the whole subsection	"(4) Salaries, allowances and benefits payable under subsection (1) are to be
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		paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
<i>Set 9.</i>		
Section 41C(2)	the whole subsection	"(2) Salaries, allowances and benefits payable under subsection (1) are to be paid from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
<i>Supreme Court (Judges Long Leave Payments) Act</i>		
Section 6	the whole section	"6. Allocation Payments under this Act are to be made from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."
<i>Taxation (Administration) Act</i>		
Section 78C(2)	the whole subsection	"(2) A refund by the Commissioner of an amount of tax under subsection (1) is to be made from the public moneys of the Territory and the Allocation for that purpose is established or increased to the extent necessary."

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*Totalizator
Administration and
Betting Act*

Section 33(1)(a) "Consolidated Fund" "Consolidated Revenue Account"

Section 33(2) the whole subsection

*Trade Development Zone
Act*

Section 32 the whole section

Traffic Act

Section 39(3) "subsection (1)(c) or (d)" "subsection (1)(a) or (b)"

Section 47(6) "Consolidated Fund." "Public Account, within the meaning of the *Financial Management Act*, in accordance with the requirements of that Act."

Work Health Act

Section 166(1) "Consolidated Fund." "Public Account within the meaning of the *Financial Management Act*."

Section 166(2) the whole subsection "(2) The Allocation for the purposes of subsection (1) is established or increased to the extent necessary."

Section 166(3) "Consolidated Fund" (twice occurring) "Public Account"

SCHEDULE 2

Section 16

AMENDMENTS OF REGULATIONS

Provision	Amendment	
	omit	substitute
Classification of Publications, Films and Computer Games Regulations		
Regulation 8	"Museum"	"Museums"
Fisheries Regulations		
Regulation 206(2)(a)	"Consolidated Revenue"	"the Consolidated Revenue Account"
Regulation 207(4)	"Consolidated Fund"	"Consolidated Revenue Account"
Regulation 207(5)	the whole subregulation	"(5) Subject to an amount prescribed under subregulation (4) as being payable to the Consolidated Revenue Account, all levies collected under this regulation are to be dealt with in accordance with the requirements of the <i>Financial Management Act</i> ."
Regulation 207(6)	the whole subregulation	

Health and Community
Services Complaints
Regulations

Schedule 1 "Nurses Board" "Nursing Board"

Liquor Regulations

Regulation 8 the whole regulation

Motor Vehicles (Fees and
Charges) Regulations

Schedule – Item 4 "7 km/h" "10 km/h"

Water Regulations

Schedule

Form 1 "The Minister for Power
& Water Authority" "The Minister for
(*portfolio*)"

Form 2 "Review Panel, G.P.O.
Box 1096, Darwin NT
0801."

"Review Panel."

Form 3 "Power & Water
Authority
G.P.O. Box 1096 Darwin
NT 0801"

"(*address*)"

"Head Office:
Sasco House
8 Cavenagh Street
Darwin NT 0800"

Form 4 "the Rural Advisory
Officer in the Water
Resources Office in either
Alice Springs or Darwin"

"(*name of person*)"

"G.P.O. Box 1096,
Darwin, NT 0801,"

"(*address*)"

Form 6	"Power & Water Authority G.P.O. Box 1096 Darwin NT 0801" "Head Office: Sasco House 8 Cavenagh Street Darwin NT 0800"	"(address)"
Form 7	"the Rural Advisory Officer in the Water Resources Office in either Alice Springs or Darwin." "G.P.O. Box 1096, Darwin, NT 0801,"	"(name of person)" "(address)"
Form 9	"Power & Water Authority G.P.O. Box 1096 Darwin NT 0801" "Head Office: Sasco House 8 Cavenagh Street Darwin NT 0800"	"(address)"
Form 10	"Water Resources Ref No."	
Form 11	"Power & Water Authority G.P.O. Box 1096 Darwin NT 0801" "Head Office: Sasco House 8 Cavenagh Street Darwin NT 0800"	"(address)"
Form 12	"the Rural Advisory Officer in the Water Resources Office in either Alice Springs or Darwin"	"(name of person)"

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	"G.P.O. Box 1096, Darwin, NT 0801,"	"(address)"
Form 14	"Power & Water Authority G.P.O. Box 1096 Darwin NT 0801"	"(address)"
	"Head Office: Sasco House 8 Cavenagh Street Darwin NT 0800"	
Form 16	"Power and Water Authority G.P.O. Box 1096 Darwin NT 0801"	"(address)"

ALTERATION TO SECTION HEADINGS

On the day on which the Acts specified in the following table are amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to the sections specified in the following table are altered as set out in the table.

Section	Alteration	
	omit	substitute
<i>Gaming Control Act</i>		
Section 50	"TRUST ACCOUNT"	"FUND"
<i>Supreme Court (Judges Long Leave Payments) Act</i>		
Section 6	"APPROPRIATION"	"ALLOCATION"
<i>Totalizator Administration and Betting Act</i>		
Section 33	"CONSOLIDATED FUND"	"CONSOLIDATED REVENUE ACCOUNT"
<i>Trade Development Zone Act</i>		
Section 32	"TERRITORY"	"CONSOLIDATED REVENUE ACCOUNT"

